

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 21-20264

v.

Hon. Denise Page Hood

YLLI DIDANI,

Defendant.

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Standby Counsel Only

**DEFENDANT’S MOTION *IN LIMINE* TO SUPPRESS EVIDENCE
ACQUIRED THROUGH MLAT**

Defendant YLLI DIDANI, proceeding pro se, respectfully moves this Honorable Court to suppress all evidence obtained through the use of Mutual Legal

Assistance Treaties (MLATs) from France, the United Kingdom, Spain and the Netherlands (Holland).

Date: January 27, 2025

Respectfully Submitted,

/s/ Ylli Didani (with permission WGF)¹

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¹ Standby counsel was asked to file the foregoing motion. Counsel had no part in the drafting of the substance of this motion, but assisted in formatting and minor corrections for understanding of the reader.

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BRIEF IN SUPPORT

I. BACKGROUND

The defendant is charged in a superseding indictment with:

1. Count One: Conspiracy to Distribute Controlled Substances in violation of 21 U.S.C. 841 and 846;

2. Count Two: Conspiracy to Possess with Intent to Distribute a Controlled Substance on Board a Vessel Subject to the Jurisdiction of the United States in violation of 46 U.S.C. 70503(a) and 70506(b); and

3. Count Three: Conspiracy to Launder Monetary Instruments in Violation of 18 U.S.C. 1956(h)

This motion challenges the admissibility of evidence obtained pursuant to MLAT requests issued to France, Spain, the United Kingdom, and the Netherlands, on the grounds that that these requests were untimely, prejudicial, and in violation of the Defendants constitutional and statutory rights.

Defendant was detained in or around March 2021. MLAT requests to France were issued in September 2021, six months after Defendants detention. MLAT requests to Spain, the Netherlands, and the United Kingdom were issued in July 2024, more than three years and three months after Defendants detention. The delays in issuing these MLAT requests raise serious concerns regarding due process and the integrity of the evidence obtained.

II. LEGAL ARGUMENT

A. Evidence Obtained Through MLAT Requests Violates Due Process

The defendant's right to due process under the Fifth Amendment is violated by the delayed and prejudicial use of MLAT requests. Evidence obtained years after the commencement of the investigation and intention risks being:

1. Unreliable: Delayed collection of evidence compromises its integrity and reliability.
2. Prejudicial: The late timing of these requests has hampered the Defendants ability to adequately prepare for trial.

B. Delayed MLAT Requests Are Inconsistent with the Principles of Mutual Legal Assistance

The purpose of MLATs is to facilitate timely cooperation between countries in criminal investigations. The extraordinary delay in issuing these requests undermines this purpose and violates the principles of fairness and efficiency. Pursuant to 18 U.S.C. 3292, requests for evidence from a foreign country should be made prior to indictment. See, e.g., *United States v. Fehnbulleh*, 674 F. Supp.2d 214 (DC Cir. 2009); *United States v. Kozeny*, 541 F .3d 166 (2nd Cir. 2008); *United States v. Trainor*, 277 F Supp. 2d 1278 (11th Cir. Fla. 2003); *United States v. Wilson* 249 F .3d 366 (5th Cir. 2001).

C. Suppression Is Required to Protect the Defendants Right to a Fair Trial

The exclusionary rule serves as a remedy for violations of constitutional rights and to deter improper government conduct. Evidence obtained through the untimely MLAT requests must be suppressed to ensure the Defendants right to a fair trial under the Sixth Amendment.

IV. CONCLUSION

WHEREFORE, Defendant requests the Court:

1. Suppress all evidence obtained pursuant to the MLAT requests issued to France, Spain, the United Kingdom, and the Netherlands.
2. Grant such other and further relief as the Court deems just and proper.

Date: January 27, 2025

Respectfully Submitted,

/s/ Ylli Didani (with permission WGF)

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CERTIFICATE OF SERVICE

On January 27, 2025, standby counsel, who signs below, filed the foregoing using the Court's e-filing system, which will send notice of same to all parties of record. Standby counsel filed this way at the direction of the Clerk's Office regarding Defendant's pro se status and its preference for future filings.

/s/ Wade G. Fink